

MEETING NOTES
Channel Migration Zone Citizen Advisory Committee
Wednesday, May 6th, 2009
6:30 – 8:30 p.m.
Pierce County Central Maintenance Facility
4812 196th St. E., Spanaway

CAC Members Present

Don Hawkins, Chair
Thomas Magnan
Hal Michael
Kathy Hatcher
Karen Willard
Betty Zenkner
Mike Fenimore

Jeff Barney
Valerie Wilson
Jerry Harnish

Absent

Ted Hill
Shelly Butterfield

PC Staff and Speakers

Harold Smelt, PC SWM
Dennis Dixon, PC SWM
Hans Hunger, PC SWM
Melissa Paulson, PC SWM

Also Present

Approximately 30 members of the general public

Introductions and Announcements

Handouts were distributed, including notes from the last meeting, public comments received since the last meeting and additional copies of the “Tools for Managing CMZ Risk” document prepared in advance of this meeting. The final version of the new “FAQ” document is now posted on the website. The City of Sumner resolution no. 1261 supporting gravel removal in the Puyallup and White rivers was briefly discussed. The resolution expresses support for Pierce County undertaking gravel removal activities, but does not identify any specific locations, timelines or funding strategies for such action.

“Should CMZs be Regulated?”

This discussion is a carry over from the vote taken at the last meeting. To get at this question, Hans stepped the group through discussion of the various tools available to manage CMZ risks, which included regulations as well as level of service improvements, land use planning, and advisories (see handout mentioned above). Members of the CAC ranked each management tool on the basis of their perceived effectiveness at achieving the goal for CMZs under Title 18E. Ultimately, the group agreed that CMZ-specific regulations should be a part of the suite of tools used to manage CMZs, but that other tools were potentially more effective at reducing risk. See the pages 3-6 of these notes for additional information about the discussion and results of the CAC’s evaluation.

Public Comment

Approximately ten people wished to speak to the group at this meeting. Comments included questions about CMZ mapping, statements for and against dredging and gravel removal (both in general and as pilot projects), and encouragement to the County that it make protection of property and property values a high priority. Please see page 5 for a more detailed account of the comments that were made.



Next Steps: Final Product and Process

The group agreed that Pierce County staff should write the first draft of the CAC's final report to Council. Notes from past meetings, the "near complete" recommendations document and input from Don will be the basis of the report. The draft will be sent out two weeks in advance of the June meeting for CAC members to review and comment on. The report will be revised over the course of the June and July meetings, so that it can be presented in its final form to the public at the August 5th CAC meeting.

Melissa encouraged CAC members to read the draft report closely to make sure that it accurately reflects the group's discussion and recommendations. She emphasized that any specific suggestions on language are welcome and that it will be helpful to the revision process if everyone takes the time to provide written feedback before the next meeting.

A number of other issues may need attention or decisions before the CMZ CAC wraps up in August, including what to do with all of the public comments that have been received and the various substantive issues still in the "parking lot" (e.g., dredging, adoption of the draft studies, etc.). Those issues will need to be sorted through relatively soon if they're going to be reflected in the final report to Council.

Assignments

All Members: Send any comments or suggestions on the final report to Melissa immediately (for consideration before the draft is written); Read and provide written feedback on the draft report in advance of the next meeting; Continue to review materials and ask questions as needed

Don: Work with PC staff on development of next month's meeting agenda

PC Staff: 1) Distribute meeting materials (agendas, notes, revised recommendations, etc.) prior to the next meeting date; 2) Work with Chair to develop agenda for June; 3) Write first draft of CMZ CAC final report to Council and distribute approximately two weeks before the June meeting.

Parking Lot for Future Meetings

No parking lot items at this time

Next Meeting

Wednesday, June 3rd, 6:30-8:30 p.m. at the Central Maintenance Facility (*Objectives: Review first draft of CMZ CAC final report; determine next steps as appropriate.*)



**CAC Discussion of Pierce County CMZ Management:
“Should CMZs be Regulated” Discussion and
Tools for Managing Risk (Hans’s Matrix)**

- Want to be mindful of impact on property values/owners (Can we discuss this more?)
- Requirement to regulate CMZs is in Pierce County code (Title 18E) (floodway)
- Hans’s Handout: What is intent of CMZ Management? Regulations and other tools – intent is to reduce damage from events, not reduce events.
- Evaluation Question: e.g., Skate Creek bridge; what are the short term impact vs. long term benefits? Proactive solution vs. reactive?
- What about existing infrastructure? Need a measured approach to each specific risk (cost/benefit analysis); do nothing vs. do something.
- Sounds like Level of Service improvements...is it better to build your way out of the problem or to regulate way out?
- Regulation: cheaper than other tools or not? Cheaper for whom?
- Aren’t we now talking just about unconstrained (i.e., no levee) CMZs? Haven’t we already decided “no regulations where there are levees”
- We need to push Pierce County Council to a holistic view of flood hazards. Public infrastructure that HAS to be in CMZ is already exempted from this decision.
- Is lack of dredging responsible for causing flood damage? Can we use the past as a measure of what works? Dredging may alleviate the need for regulations.
- Gravel removal is included in the Level of Service discussion.
- One size does not fit all for river management. There are different needs in Nisqually vs. Puyallup rivers.
- Goal of the “tools for management” matrix: what combination of tools is best? Does not have to be same for all river systems, but could make recommendations by reach/river.
- Advisory is like a “buyer beware” notice.
- Even if say Level of Service is THE solution, there is a need to have the conversation about what to do in the gap between now and when all improvements are complete.
- Language: Does not preclude ability to fund thru non Pierce County mechanisms (e.g., Other agencies in collaboration)
- Short term interests like protecting property value are very important. Would love to get away with no regulations, but need to protect value of land.
- Protect property value is not a Title 18E goal.
- Don’t want another “taking” of private property, real or perceived (unless it’s life or death)
- The goal of Title 18E is a long wordy goal that basically says, “let’s manage risk”
- Can we change the Title 18E goal? Could we strike the word “regulated”?
- Word “regulated” excluded activities currently exempted/below regulatory trigger; striking it would make it broader.
- How is this discussion (goal of Title 18) related to our original assignment from Council?
- Need to keep proposed solutions in context.

Land-use

- Zoning: Urban growth area/growth management act (industrial vs. R40) does not get at site-level location of structure.
- Essential ingredient, but not the solution
- What about change over time? “non-conforming use (eg. Grandfathering existing uses)
- May have some legal “non-conforming uses”



- Land use is one leg of stool (somewhat effective)

CMZ Regulations

- Where does it say in the chart that CMZ regulations are “totally not fair”?
- “One size” type of regulation somewhat ineffective, would substitute local, community based planning
- Agree, but need to change assumptions re: levees
- CMZ regulations: somewhat ineffective

Other Regulations

- Other regulations: floodway, shoreline, other critical areas, HPA Fish and Wildlife) other state, Federal (CWA, 401)
- Deep fast flooding have same goal as CMZ (others re: sensitive environmental systems) – really, have different risk (not CMZ) (eg., see that mapping of these hazards is not the same for all)
- More regs = fuzzier, less is clearer – The rules are confusing for citizens and we want them to be more understandable.
- Localized (solutions/regulations make it hard for developers (because not 1 size fits all)
- If we make floodway regulations simpler, which do we choose? (Need to tailor & simplify)
- Management risk is not looking out for property values and developers
- CMZ regulations maybe best way to protect property value because avoids loss of investment in places where loss is anticipated.
- Problem: only unincorporated Pierce County, Orting, other cities get to do what they want.
- And Pierce County residents not paying for all association costs (like those in cities)
- Frustrated that cities can do what they want even in CMZ hazard area...but what can we do re: it?
- Since 1991 Pierce County policy to lower flood losses, not lower floods themselves – not a Sumner/Orting (etc) policy.
- Less regulations and more information so people can make own informed decision, role of Pierce County should be inform, not say no.
- Other regulations somewhat ineffective

Advisories

- Advisory: like not on the Assessor Treasurer page.
- Could this be like a risk index? (for all flood hazards)
- Have looked at this, but problems with parcels (need to map- to capture best places to build) 1 # won't work.
- Need to consider how improvement would impact effectiveness
- Just give info re: past?
- Advisory can devalue property based on who/what is told (eg., might prevent sales)
- Consequence of decision (Adv) “ I'll accept that risk” and build wherever I want
- Advisory not been tried much before, so anyone's best guess
- Should this be on the tools – unsupportive – very supportive
- Advisory will lead to disclosure, which may be to easily disregarded
- Need to put some kind of note on permanent record
- Advisory: opinion; from Pierce County; disclosure: fact from owner
- CMZ – have photograph record of where river has been (not same as flooding)
- Maybe advisory not the best term to use for describing this tool (eg., “notification?”)
- Advisory : SW feel should use/SW effective



Level of Service Improvements

- No need to discuss; Let's vote!
- Level of Service: Very effective

Public Comment

- Paul Nerge: Might need to have an inspection of raw land by CMZ specialist (like wetland biologist) similar for purchase of plots with structures
- Earl Johnson: (Carbon) Concerned about aggradation in the river. Can't you do a pilot program for gravel removal? Moseby made money but did not pay anything for removing gravel. Does the gravel belong to property owners?
- Dave Lewis: (Miles Sand and Gravel) Don't depend on levees. Pierce County used to use the dredge materials to make levees, and they weren't very good ones because the material isn't very good. You can't always make money with dredging and gravel removal; Moseby made money at it because the property owners paid him to remove it. Dredging activities may be regulated by a combination of regulations. Regulations can't prevent flooding. Ultimately, the Council is responsible for the degradation of the river system.
- Bill Berry: Why is Pierce County accepting this loss of real property? You should put in levee system to protect property – need to really work hard to achieve a real goal of saving property from being washed down the river.
- Tom Neelan: Does "level of service improvements" include shoring up banks? Levees aren't bad for fish. How many roads are at risk for CMZs? Need to fix problems with the levees when they're little (increase maintenance).
- Bart Anderson: During building permitting, could you ask the property owner to sign a paper acknowledging that river could migrate into property? What benefit does the CMZ designation provide to owners? What is appropriate role of Pierce County with respect to other people's investments? Add CMZ to check list (already)
- Bill Bailey: Does Pierce County only regulate the severe CMZ? How is this designated?
- Question: How does FEMA map change to CMZ for home purchase? Answer: FEMA map won't show CMZ unless we add a notification advance.
- Question: Can you be in a mapped Severe zone even if the levee has never flooded? Answer: Yes, with current mapping, although CMZ CAC recommendations would change that.
- Log jams are problems, too.
- Paul: Will there need to be changes to the mapping in the future? If so, would you still only regulate the severe? May need to include moderate zone, as well.



Evaluation of CMZ Management Tools – CAC Responses During Discussion (10)

Instructions: Please use this matrix to evaluate the effectiveness of the following tools for managing CMZs. Place an "X" in the box that you believe best describes the ability of the given tool to achieve the goals that Pierce County has set for managing CMZs (described below).

GOAL: The purpose of the CMZ regulations are to prevent damage occurring from Channel Migration. The standards are intended to minimize public and private losses due to erosion related to rivers migrating laterally and provide special criteria necessary for regulated activities located within flood hazard areas in unincorporated Pierce County.

Tools	Very Ineffective	Somewhat Ineffective	Neutral	Somewhat Effective	Very Effective
Landuse Including: Zoning and Zoning Overlay		X	X	XXXXX XXX	
Current CMZ Regulations Floodway CMZ	X	XXXXX XX	X	X	
Other Regulations Including: Floodway FEMA, Floodway Deep and/or Fast Flowing Water, Shorelines, Wetlands, HPA (State), Section 404 permit (Federal)		XXXXX X	X	XX	X
Advisory Tax Statement Notice & Website			X	XXXXX X	XXX
Level Of Service Improvements Including: Capital improvements, setback levee construction, gravel removal, floodplain acquisition, operations and maintenance (O & M)				XXXX	XXXXX X

